

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FARRAR & FARRAR DAIRY, INC.,
*on behalf of itself and all others similarly
 situated,*
 Plaintiffs.

V.

MILLER-ST. NAZIANZ, INC.,
KLERK'S PLASTIC PRODUCTS
MANUFACTURING, INC., and
HYPLAST NV,
Defendants.

JUDGMENT IN A CIVIL CASE

CASE NO. 5:06-CV-160-D

Decision by the Court:

IT IS ORDERED AND ADJUDGED that plaintiff's motion for leave to file a third amended complaint [D.E. 176] is **DENIED**, Defendant Miller-St. Nazianz, Inc.'s motion for summary judgment is **GRANTED** [D.E. 149], and Defendant Miller-St. Nazianz, Inc.'s motion to exclude the testimony of plaintiff's expert at trial [D.E. 154] is **DENIED** as moot.

Defendant HyPlast, NV was dismissed from this action pursuant to Fed.R.Civ.P. 41(a)(1)(ii) Stipulation of Dismissal filed on March 7, 2007 [D.E. 77]. Defendant Klerk's Plastic Products Manufacturing, Inc. was dismissed from this action pursuant to Fed.R.Civ.P. 41(a)(1)(ii) Stipulation of Dismissal filed on March 8, 2007 [D.E. 86].

THE ABOVE JUDGMENT WAS ENTERED TODAY, **MARCH 31, 2011** WITH A COPY TO:

Daniel K. Bryson (via CM/ECF Notice of Electronic Filing)
Nicholas A. Migliaccio (via CM/ECF Notice of Electronic Filing)
R. Thompson Wright (via CM/ECF Notice of Electronic Filing)
David S. Wisz (via CM/ECF Notice of Electronic Filing)
Michael G. Adams (via CM/ECF Notice of Electronic Filing)

March 31, 2011
Date

DENNIS P. IAVARONE, Clerk
Eastern District of North Carolina

/s/ Debby Sawyer
(By) Deputy Clerk

Raleigh, North Carolina